



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,566	10/10/2007	Jesper Nielsen	PO9058US00/DEJ	1635
881 7590 10/21/2010 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER BUCKLE JR, JAMES J	
			ART UNIT 3633	PAPER NUMBER
			NOTIFICATION DATE 10/21/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplaw@stites.com

### Office Action Summary

**Application No.**

10/593,566

**Applicant(s)**

NIELSEN, JESPER

**Examiner**

JAMES J. BUCKLE JR

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8, 10-12 and 18-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 6-8, 10-12 and 18-22 is/are allowed.  
6) ☒ Claim(s) 23-25, 27, 29 and 31 is/are rejected.  
7) ☐ Claim(s) 26, 28 and 30 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Proficiency's Patent Drawing Review (PTO-544)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Final Office action in response to communications received on 7/20/2010. Claims 6-8, 10-12, and 18-22 have been amended. Claims 23-31 have been added. Currently, claims 6-8, 10-12, 18-22, and 23-31 are pending and examined below.

### ***Response to Amendment***

2. Applicant's amendment to the claims are sufficient to overcome the claim objections and the 35 U.S.C. 112 second paragraph set forth in the office action dated 4/20/2010.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "one or more further layers of material" recited in claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 23, 25, 27, 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Menchetti et al. (U.S. Patent No. 4, 901,485).

6. Regarding claim 23, Menchetti et al. discloses a panel (10, Fig. 1-5) for use in a system of suspended panels, the panel comprising a substantially rigid frame (12) defining an open region (Fig. 5), the frame including a lateral portion (30), a flexible sheet (18) of material covering the open region of the frame and thus forming a main portion of a surface of the frame, the frame further including, at least along portions of a

periphery thereof, laterally displaceable attachment members (44, Fig. 6) accessible from outside the frame for attachment of the flexible sheet of material to the frame, where a lateral displacement of the laterally displaceable attachment members away from a corresponding edge portion of the frame results in tensioning of the flexible sheet of material across the open region of the frame. The Examiner considers the lateral displacement of the "displaceable attachment members" relative to the movement of the panel and that the flange (48) helps to retain the flexible sheet and keep it secured in stretched and locked position.

7. Regarding claim 25, Menchetti et al. discloses an layer of material (16) above the flexible sheet.

8. Regarding claim 27, Menchetti et al. discloses the frame further including a guide channel (approximate 52), and each laterally displaceable attachment member comprises a guide portion (approximate 48) to be guided within the guide channel in the frame and an attachment portion (approximate 44). The Examiner considers the flexible sheet of material to be capable of being attached anywhere along the displaceable attachment member.

9. Regarding claim 29, Menchetti et al. disclose the laterally displaceable attachment member being "pre-tensioned" away from the corresponding edge portion of the frame (proximate 32).

10. Regarding claim 31, Menchetti et al. discloses the flexible sheet of material being a fabric (Col. 2, lines 10-12).

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menchetti et al. (U.S. Patent No. 4, 901,485).
13. Regarding claim 24, Menchetti et al. discloses a flexible sheet of material (18, Fig. 3), but does not disclose the flexible material as being a sheet of glass fiber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a material that consisted of a sheet of glass fiber, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. It would have been just as suitable to replace one know material that had flexible properties used in the same application as another without producing a new or unpredictable results.

***Allowable Subject Matter***

14. Claim 6-8, 10-12, and 18-22 are allowed.
15. Claims 26, 28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest a panel having a fabric covering, a frame defining a periphery and an open region inside of the periphery, the frame including a holder means, a displacement means and a laterally displaceable attachment members as recited in claim 18, or corner portions that releasably attach the lateral portions and end portions as recited in claim 26, or the laterally displaceable attachment member releasably attached to the attachment portion by a resilient clip as recited in claim 28 in combination with claims 27 and 23, or a spacer inserted between the laterally displaceable attachment member and the frame as recited in claim 30.

### ***Response to Arguments***

17. Applicant's arguments with respect to claim 6-8, 10-12, 18-22, and 23-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Application/Control Number: 10/593,566  
Art Unit: 3633

Page 8

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633

James J Buckle Jr  
Examiner  
Art Unit 3633

/James J Buckle Jr/  
Examiner, Art Unit 3633